

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

FILED

UNITED STATES OF AMERICA,

Plaintiff,

v.

Rodrigo VALDEZ-Rubio,

Defendant

Magistrate Docket No. 08 MJ 1745:38

COMPLAINT FOR VIOLATION OF:

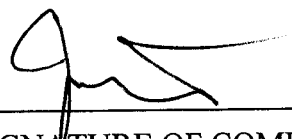
Title 8, U.S.C., Section 1326  
Attempted Entry After  
Deportation

DEPUTY

The undersigned complainant, being duly sworn, states:

On or about **June 3, 2008** within the Southern District of California, defendant, **Rodrigo VALDEZ-Rubio**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, attempted to enter the United States with the purpose, i.e. conscious desire, to enter the United States at or near the San Ysidro, California Port of Entry, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

  
SIGNATURE OF COMPLAINANT  
James Trombley  
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 4<sup>th</sup> DAY of JUNE, 2008

  
Leo S. Papas  
UNITED STATES MAGISTRATE JUDGE

Rodrigo VALDEZ-Rubio

### PROBABLE CAUSE STATEMENT

On June 3, 2008, Border Patrol Agent A. Martinez was performing line watch duties in the Imperial Beach area of operations. At approximately 2:40 a.m., Agent Martinez observed four individuals climbing over the United States/Mexico International Boundary Fence and then running northbound further into the United States in an area known as "Spooners." This area is approximately one-hundred yards north of the United States/Mexico International Boundary Fence and four miles west of the San Ysidro, California Port of Entry.

As Agent Martinez approached the group, he noticed an individual, later identified as the defendant **Rodrigo VALDEZ-Rubio**, guiding the group and then signaling for the group to crouch down into some brush. Agent Martinez approached the individuals and immediately identified himself as a United States Border Patrol Agent to question the four individuals, including the defendant, as to their citizenship and nationality. All four individuals admitted to being citizens and nationals of Mexico illegally present in the United States. Each of the individuals, including the defendant, further admitted that they did not possess any immigration documentation permitting them to enter or remain in the United States legally. All four individuals were placed under arrest and transported to the Imperial Beach Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **February 8, 2008** through **San Ysidro, California**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.